

IN THE 1ST COURT OF APPEALS, HOUSTON, TX

_____)	FILED IN
)	1st COURT OF APPEALS
MICHAEL W. GIOFFREDI)	HOUSTON, TEXAS
)	2/6/2022 12:08:52 PM
)	CHRISTOPHER A. PRINE
Plaintiff,)	Clerk
v.)	Case No. 01-21-00627-CV
)	
THE RETREAT AT RIVERSTONE,)	
)	
Defendant)	
_____)	

LETTER IN REGARDS TO CLERK AND REPORTER RECORDS

In regards to the Reporter's Record, statements made in the hearing are missing from the transcript, statements not made in the hearing are in the transcript. Specifically, for example, an additional person was present at the hearing, stood with Ms. Higginbotham at the front table for the entire hearing, and introduced herself as "Property Manager" after Ms. Higginbotham introduced herself and before I introduced myself. This person made additional statements in the hearing. None of this unnamed person's statements appear in the Reporter's Transcript. In addition, the transcript is missing my exhibit which I requested to be included, namely the video Plaintiff Exhibit 116 played in court. If there is security camera video of the proceedings, then this would suffice to prove that the transcript is not a verbatim account of what took place. These issues have been reported to the Court.

In regards to the Clerk Record, after both parties submitted their initial designations, the County Clerk issued an Invoice amount of \$4115.00 on 12/10/2021 with a due date of 1/6/2021, an additional Amended Invoice on 12/14/2021 of \$4139.00, and multiple voicemails hinting that I should end the appeal or else be charged a large amount of money. After first receiving the index of their 'designation' on 1/27/2022 I then reported the same day that their index included unnecessary items designated by neither party that were clearly included by the Court Clerk with the sole purpose of inflating the cost. In my opinion, these actions taken by the Court Clerk are a form of harassment with the intentional infliction of emotional distress.

I received an additional Amended Invoice on 1/31/2022 of the amount of \$620 and was told that this amount was for the complete record as designated by both parties which I paid for without having the opportunity to timely review the index prior to the Clerk Record due date.

The Clerk Record submitted to the Appellate Court is missing all of my exhibits designated by both parties. My exhibits were submitted to the Court Clerk indexed on 9/3/2021 as one large pdf file, emailed in 4 parts as email attachments. Each exhibit was prepended with a page stating "Plaintiff Exhibit #" and specified as "all non-video evidence cited in my submitted Appeal Brief." In addition, my video exhibits were submitted to the Court Clerk via email, and usb by request of the Court Clerk.

After reporting these omissions to the Court Clerk, I received an email from the Court Clerk on 2/3/2022 stating that "We are working on completing this appeal." If the Clerk Record was not complete, then it should not have been submitted and an Invoice should not have been sent for it. The Court Clerk should have informed the Appellate Court that the Clerk Record was delayed because it was "not ready."

/s/ Michael W. Gioffredi, 2/6/2022

Michael W. Gioffredi

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CERTIFICATE OF SERVICE

I certify that on 2/6/2022, a true and correct copy of this document properly was served to the following parties and respective counsel of record in accordance with the Texas Rules of Civil Procedure via email:

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Automated Certificate of eService

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Associated Case Party: MichaelWGioffredi

Name	BarNumber	Email	TimestampSubmitted	Status
Michael WGioffredi		MichaelGioffredi@gmail.com	2/6/2022 12:08:52 PM	SENT

Associated Case Party: A'drianna Higginbotham

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A'drianna Higginbotham		adrianna@fultonstrahan.com	2/6/2022 12:08:52 PM	SENT

Associated Case Party: The Retreat at Riverstone

Name	BarNumber	Email	TimestampSubmitted	Status
Kelli Ashcraft		riverstone@allied-orion.com	2/6/2022 12:08:52 PM	SENT